UNITED STATES PATENT AND TRADEMARK OFFICE

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CHADBOURNE & PARKE LLP
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER
FRENEL, VANEL

ART UNIT	PAPER NUMBER
3687	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	09/645,020	WALLACH ET AL.
	Examiner	Art Unit
	VANEL FRENEL	3687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *5/26/09*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18,19,27-29,60-69,75-80,98,100 and 101* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *18-19, 27-29, 60-69, 75-80, 98, 100, 101* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some *   c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *20031210, 20040601*.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the request for reconsideration filed on

5/26/09. Claims 24-26, 71-74, 81-97 and 99 have been withdrawn. Claims 100 and 101

have been newly added. Claims 18-19, 27-29, 60-69, 75-80, 98, 100 and 101 are

pending.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:
> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

3.   Claims 29, 63, 69, 80 and 100-101 are rejected under 35 U.S.C 101 because the

claimed invention is directed to non-statutory subject matter.

Claims 29, 63, 69, 80 and 100-101 recite a process comprising the steps of

receiving, receiving and calculaing. Based on Supreme Court precedent, a proper

process must be tied to another statutory class or transform underlying subject matter to

a different state or thing (*Diamond v. Diehr,* 450 U.S. 175, 184 (1981); *Parker* v. *Flook,*

437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson,* 409 U.S. *63,* 70 (1972); *Cochrane*

v. *Deener,* 94 U.S. 780,787-88 (1876)). Since neither of these requirements is met by

the claim, the method is not considered a patent eligible process under 35 U.S.C. 101.

To qualify as a statutory process, the claim should positively recite the other statutory

class to which it is tied, for example by identifying the apparatus that accomplished the

method steps or positively reciting the subject matter that is being transformed, for

example by identifying the material that is being changed to a different state.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 18-19, 27-29, 60-69 and 75-80 and 98 are rejected under 35 U.S.C.

103(a) as being unpatentable over Osborn et al (6,182,048) in view of Thomson et al

(2003/0061104).

As per claim 18, Osbom discloses a method for using a computer system to

provide an insurance policy relating to a sale or lease of an item (See Osborn, Co1.2,

lines 60-67 to Co1.3, line 14); determining on said computer system a premium for the

insurance policy (See Osborn, Co1.3, lines 15-25); the premium based on a class of the

item and a geographic region of the buyer or lessee without consideration of individual

characteristics of the buyer or lessee (See Osborn, Co1.1, lines 53-65).

Osborn does not explicitly disclose receiving an indication of an item sold to a

buyer or lessed to a lessee for which insurance is provided by a third party; charging a

premium for the insurance policy to the third party.

However, these features are known in the art, as evidenced by Thompson. In particular, Thompson suggests that the method having receiving an indication of an item sold to a buyer or lessed to a lessee for which insurance is provided by a third party (See Thompson, Page 2, Paragraph 0015; Page 8, Paragraph 0117); charging a premium for the insurance policy to the third party (See Thompson, Page 6, Paragraphs 0086-0092).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Thompson within the system of Osborn with the motivation of providing an electronic warranty administration system that interfaces between customers and sellers and/or manufacturers (See Thompson, Page 2, Paragraph 0016).

As per claim 19, Osborn discloses a method for using a computer system to determine an insurance premium to be charged to a party providing insurance to a buyer or lessee of an item (See Osborn, Col.2, lines 60-67 to Col.3, line 14), comprising: calculating on said computer system a premium to be charged for each insurance policy issued to buyers or lessees in the geographic area (See Osborn, Co1.1, lines 53-65); an indication of a geographic region in which a buyer or lessee must reside to receive the insurance, the premium being based on the class of items and the geographic region, without consideration of further characteristics of the buyer (See Osborn, Co1.1, lines 53-65).

Osborn does not explicitly disclose receiving, from a manufacturer, an indication of a class of items for which insurance is to be provided to a buyer or lessee of one of the class of items; receiving, from a manufacturer.

However, these features are known in the art, as evidenced by Thompson. In particular, Thompson suggests that the method having receiving, from a manufacturer (See Thompson, Page 2, Paragraph 0015).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Thompson within the system of Osborn with the motivation of providing an electronic warranty administration system that interfaces between customers and sellers and/or manufacturers (See Thompson, Page 2, Paragraph 0016).

As per claim 27, Osborn discloses an apparatus for determining an insurance premium to be charged to a party providing insurance to a buyer or lessee of an item comprising: means for calculating a premium to be charged for each insurance policy issued to buyers or lessees in the geographic area (See Osborn Col. 1, lines 53- 65); means for receiving, from a manufacturer, an indication of a class of items for which insurance is to be provided to a buyer or lessee of one of the class of items (See Osborn, Co1.3, lines 1-26); means for receiving, from a manufacturer, an indication of a geographic region in which a buyer or lessee must reside to receive the insurance (See Osborn, Co1.1, lines 53-65); the premium being based on the class of items and the

geographic region, without consideration of individual characteristics of the buyer or

lessee (See Osborn, Co1.1, lines 53-65).

Osborn does not explicitly disclose an apparatus for determining an insurance

premium to be charged to a party providing insurance to a buyer or lessee of an item.

However, this feature is known in the art, as evidenced by Thompson. In particular,

Thompson suggests that the method having an apparatus for determining an insurance

premium to be charged to a party providing insurance to a buyer or lessee of an item

(See Thompson, Page 2, Paragraph 0015).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to have included the features of Thompson within the system of Osborn with

the motivation of providing an electronic warranty administration system that interfaces

between customers and sellers and/or manufacturers (See Thompson, Page 2,

Paragraph 0016).

As per claim 28, Osborn discloses comprising: a processor (See Osborn, Col.4,

lines 28-34); and a memory in electrical communication with the processor, the memory

for storing a plurality of processing instructions for enabling the processor to: and

calculate a premium to be charged for each insurance policy issued to buyers or

lessees in the geographic area (See Osborn Co1.1, lines 53-65); receive, from a

manufacturer, an indication of a class of items for which insurance is to be provided to a

buyer or lessee of one of the class of items (See Osborn, Co1.1, lines 53-65); receive,

from a manufacturer, an indication of a geographic region in which a buyer or lessee

must reside to receive the insurance (See Osborn, Co1.1, lines 53-65); the premium

being based on the class of items and the geographic region, without consideration of

individual characteristics of the buyer or lessee (See Osborn, Col. 1, lines 53-65).

Osborn does not explicitly disclose an apparatus for determining an insurance premium

to be charged to a party providing insurance to a buyer or lessee of an item.

However, this feature is known in the art, as evidenced by Thompson. In

particular, Thompson suggests an apparatus for determining an insurance premium to

be charged to a party providing insurance to a buyer or lessee of an item (See

Thompson, Page 6, Paragraphs 0086-0092).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to have included the features of Thompson within the system of Osborn with

the motivation of providing an electronic warranty administration system that interfaces

between customers and sellers and/or manufacturers (See Thompson, Page 2,

Paragraph 0016).

As per claim 29, Osborn discloses calculating a" premium to be charged for each

insurance policy issued to buyers or lessees in the geographic area (See Osborn,

Co1.1, lines 53-65); receiving, from a manufacturer, an indication of a class of items for

which insurance is to be provided to a buyer or lessee of one of the class of items (See

Osborn, Co1.1, lines 53-65); receiving, from a manufacturer, an indication of a

geographic region in which a buyer or lessee must reside to receive the insurance (See

Osborn, Co1.1, lines 53-65); the premium being based on the class of items and the

geographic region, without consideration of individual characteristics of the buyer or

lessee (See Osborn, Co1.1, lines 53-65).

Osborn does not explicitly disclose a computer-readable medium encoded with

processing instructions for implementing a method, performed by a computer, for

determining an insurance premium to be charged to a party providing insurance to a

buyer of an item.

However, this feature is known in the art, as evidenced by Thompson. In

particular, Thompson suggests a computer-readable medium encoded with processing

instructions for implementing a method, performed by a computer, for determining an

insurance premium to be charged to a party providing insurance to a buyer of an item

(See Thompson, Page 6, Paragraphs 0086-0092).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to have included the features of Thompson within the system of Osborn with

the motivation of providing an electronic warranty administration system that interfaces

between customers and sellers and/or manufacturers (See Thompson, Page 2,

Paragraph 0016).

As per claim 60, Osborn discloses a method operable on a computer for

providing an insurance policy relating to sale or a lease of an item (See Osborn, Col.2,

lines 60-67 to Col.3, line 14), charging a premium for the insurance policy to the third

party, the premium based on characteristics of the class of the item, the expected

demographics of the buyer or lessee of the item and a geographic region of the buyer or lessee, without consideration of individual qualifications of the buyer or lessee (See Osborn, Co1.1, lines 53-65).

Osborn does not explicitly disclose receiving on the computer an indication of an item leased to a buyer or lessee for which insurance is provided by a third party. However, this feature is known in the art, as evidenced by Thompson. In particular, Thompson suggests that the method having receiving on the computer an indication of an item leased to a buyer or lessee for which insurance is provided by a third party (See Thompson, Page 2, Paragraph 0015; Page 8, Paragraph 0117).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Thompson within the system of Osborn with the motivation of providing an electronic warranty administration system that interfaces between customers and sellers and/or manufacturers (See Thompson, Page 2, Paragraph 0016).

As per claim 61, Osborn discloses comprising: calculating on the computer a premium to be charged for each insurance policy issue to the buyer or lessee in the geographic region (See Osborn Co1.1, lines 53-65); receiving, from a manufacturer, an indication of a class of items for which insurance is to be provided to a buyer or lessee of one of the class of items; receiving, from a manufacturer, an indication of a geographic region in which the buyer or lessee must reside to receive the insurance (See Osborn, Co1.1, lines 53-65); the premium being based on characteristics of the

class of items, the expected demographics of the lessees of the class of items and the

geographic region, without consideration of individual characteristics of the buyer or

lessee (See Osborn, Co1.1, lines 53-65).

Osborn does not explicitly disclose a method operable on a computer for

determining an insurance premium to be charged to a party providing insurance to a

buyer or lessee of an item.

However, this feature is known in the art, as evidenced by Thompson. In

particular, Thompson suggests a method operable on a computer for determining an

insurance premium to be charged to a party providing insurance to a buyer or lessee of

an item (See Thompson, Page 2, Paragraph 0015; Page 8, Paragraph 0117).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to have included the features of Thompson within the system of Osborn with

the motivation of providing an electronic warranty administration system that interfaces

between customers and sellers and/or manufacturers (See Thompson, Page 2,

Paragraph 0016).

As per claim 62, Osborn discloses comprising: calculating on the computer a

premium to be charged for an insurance policy issued to the buyer or lessee (See

Osborn Col.2, lines 60-67 to Col.3, line 14); receiving an indication of a class of items

for which insurance is to be provided to a buyer or lessee of one of the class of items

(See Osborn, Co1.2, lines 60-67 to Co1.3, line 25); receiving an indication of a

geographic region in which the buyer or lessee must reside to receive the insurance, the

premium being based on the characteristics of the class of items the anticipated

demographics of the buyer or lessee and the geographic region, without consideration

of individual characteristics of the buyer or lessee (See Osborn, Co1.1, lines 53-65).

Osborn does not explicitly disclose a method operable on a computer for determining an

insurance premium to be charged to a party providing insurance to a buyer or lessee of

an item.

However, this feature is known in the art, as evidenced by Thompson. In

particular, Thompson suggests a method operable on a computer for determining an

insurance premium to be charged to a party providing insurance to a buyer or lessee of

an item (See Thompson, Page 2, Paragraph 0015; Page 8, Paragraph 0117).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to have included the features of Thompson within the system of Osborn with

the motivation of providing an electronic warranty administration system that interfaces

between customers and sellers and/or manufacturers (Gee Thompson, Page 2,

Paragraph 0016).

As per claim 63, Osborn discloses comprising: means for calculating a premium

to be charged for each insurance policy issued to the buyer or lessee (See Osborn

Co1.1, lines 53-65); means for receiving an indication of a class of items for which

insurance is to be provided to a buyer or lessee of one of the class of items means for

receiving an indication of a geographic region in which the buyer or lessee must reside

to receive the insurance (See Osborn, Col.1, lines 53-65); the premium being based on

the characteristics of the class of items, the anticipated demographics of the buyer or

lessee and the geographic region, without consideration of individual characteristics of

the buyer or lessee (See Osborn, Col. 1, lines 53-65).

Osborn does not explicitly disclose an apparatus for determining an insurance

premium to be charged to a party providing insurance to a buyer or lessee of an item.

However, this feature is known in the art, as evidenced by Thompson. In particular,

Thompson suggests an apparatus for determining an insurance premium to be charged

to a party providing insurance to a buyer or lessee of an item (See Thompson, Page 2,

Paragraph 0015; Page 8, Paragraph 0117).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to have included the features of Thompson within the system of Osborn with

the motivation of providing an electronic warranty administration system that interfaces

between customers and sellers and/or manufacturers (See Thompson, Page 2,

Paragraph 0016).

As per claim 64, Osborn discloses an apparatus for determining an insurance

premium to be charged to a party providing insurance to a buyer or lessee of an item,

comprising: a processor (See Osborn Col.4, lines 28-34) and a memory in

communication with the processor, the memory for storing a plurality of processing

instructions enabling the processor (See Osborn, Fig.2; Col.2, lines 60-67) to: calculate

a premium to be charged for each insurance policy issued to the buyer or lessee (See

Osborn Co1.1, lines 53-65); receive an indication of a class of items for which insurance

is to be provided to a buyer or lessee of one of the class of items (See Osborn, Co1.1,

lines 53-65); receive an indication of a geographic region in which the buyer or lessee

must reside to receive the insurance (See Osborn, Co1.1, lines 53-65); the premium

being based on the characteristics of the class of items, the anticipated demographics

of the buyer or lessee and the geographic region, without consideration of individual

characteristics of the buyer or lessee (See Osborn, Co1.1, lines 53-65).

Osborn does not explicitly disclose an apparatus for determining an insurance

premium to be charged to a party providing insurance to a buyer or lessee of an item.

However, this feature is known in the art, as evidenced by Thompson. In particular,

Thompson suggests an apparatus for determining an insurance premium to be charged

to a party providing insurance to a buyer or lessee of an item (See Thompson, Page 2,

Paragraph 0015; Page 8, Paragraph 0117).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to have included the features of Thompson within the system of Osborn with

the motivation of providing an electronic warranty administration system that interfaces

between customers and sellers and/or manufacturers (See Thompson, Page 2,

Paragraph 0016).

As per claim 65, Osborn discloses calculating a premium to be charged for each

issued to the buyer or lessee (See Osborn Col.1, lines 53-65); receiving an indication of

a class of items for which insurance is to be provided to a buyer or lessee of one of the

class of items (See Osborn, Col. 1, lines 53-65); receiving an indication of a geographic

region in which the buyer or lessee must reside to receive the insurance (See Osborn,

Co1.1, lines 53-65); the premium being based on characteristics of the class of items,

the expected demographics of the buyer and the geographic region, without

consideration of individual characteristics of the buyer or lessee (See Osborn, Co1.1,

lines 53-65).

Osborn does not explicitly disclose a computer-readable medium encoded with

processing instructions for implementing a method, performed by a computer, for

determining an insurance premium to be charged to a party providing insurance to a

buyer or lessee of an item.

However, this feature is known in the art, as evidenced by Thompson. In

particular, Thompson suggests a computer-readable medium encoded with processing

instructions for implementing a method, performed by a computer, for determining an

insurance premium to be charged to a party providing insurance to a buyer or lessee of

an item (See Thompson, Page 2, Paragraph 0015; Page 8, Paragraph 0117).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to have included the features of Thompson within the system of Osborn with

the motivation of providing an electronic warranty administration system that interfaces

between customers and sellers and/or manufacturers (See Thompson, Page 2,

Paragraph 0016).

As per Claim 66, Osborn discloses a method operable on.a computer for

determining an insurance premium to be charged to a party providing insurance to a

buyer or lessee of an item (Col.), comprising: calculating on a computer, a premium to

be chargedfor each insurance policy issued to the buyer or lessee in the geographic

region (See Osborn, Co1.1, lines 53-65); receiving an indication of a class of items for

which insurance is to be provided to a lessor of one of the class of items (See Osborn,

Co1.4, lines 45-67); receiving an indication of a geographic region in which the buyer or

lessee must reside to receive the insurance (See Osborn, Co1.1, lines 53-65); the

premium being based on characteristics of the class of items, expected demographics

of the buyer or lessee and the geographic region, without consideration of individual

characteristics of the buyer or lessee (See Osborn, Co1.i, lines 53-65).

Osborn does not explicitly disclose a method operable on a computer for

determining an insurance premium to be charged to a party providing insurance to a

buyer or lessee of an item.

However, this feature is known in the art, as evidenced by Thompson. In

particular, Thompson suggests a method operable on a computer for determining an

insurance premium to be charged to a party providing insurance to a buyer or lessee of

an item (See Thompson, Page 2, Paragraph 0015; Page 8, Paragraph 0117).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to have included the features of Thompson within the system of Osborn with

the motivation of providing an electronic warranty administration system that interfaces

between customers and sellers and/or manufacturers (See Thompson, Page 2,

Paragraph 0016).

As per claim 67, Osborn discloses comprising: means for calculating a premium

to be charged for each insurance policy issued to the buyer or lessee in the geographic

region (See Osborn Co1.1, lines 53-65); means for receiving an indication of a class of

items for which insurance is to be provided to a buyer or lessee of one of the class of

items (See Osborn, Co1.2, lines 60-67 to Col.3, line 14); means for receiving an

indication of a geographic region in which the buyer or lessee must reside to receive the

insurance (See Osborn Co1.1, lines 53-65); and the premium being based on

characteristClaim 98 ics of the class of items, expected demographics of the buyer or

lessee and the geographic region, without consideration of individual characteristics of

the buyer or lessee (See Osborn, Co1.1, lines 53-65).

Osborn does not explicitly disclose an apparatus for determining an insurance

premium to be charged to a party providing insurance to a buyer or lessee of an item.

However, this feature is known in the art, as evidenced by Thompson. Inparticular,

Thompson suggests an apparatus for determining an insurance premium to be charged

to a party providing insurance to a buyer or lessee of an item (See Thompson, Page 2,

Paragraph 0015; Page 8, Paragraph 0117).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to have included the features of Thompson within the system of Osborn with

the motivation of providing an electronic warranty administration system that interfaces

between customers and sellers and/or manufacturers (See Thompson, Page 2,

Paragraph 0016).

As per claim 68, Osborn discloses comprising: a processor (See Osborn Col.4, lines 28-34); and a memory in communication with the processor, the memory for storing a plurality of processing instructions enabling the processor to (See Osborn Co1.2, lines 60-67 to Co1.3, line 26): calculate a premium to be charged for each insurance policy issued to the buyer or lessee in the geographic region (See Osborn, Co1.1, lines 53-65); receive an indication of a class of items for which insurance: is to be provided to a buyer or lessee of one of the class of items (See Osborn, Co1.1, lines 53- 65); receive an indication of a geographic region in which the buyer or lessee must reside to receive the insurance (See Osborn, Co1.1, lines 53-65); the premium being based on characteristics of the class of items and the geographic region, without consideration of individual characteristics of the buyer or lessee (See Osborn, Col.1, lines 53-65).

Osborn does not explicitly disclose an apparatus for determining an insurance premium to be charged to a party providing insurance to a buyer or lessee of an item. However, this feature is known in the art, as evidenced by Thompson. In particular, Thompson suggests an apparatus for determining an insurance premium to be charged to a party providing insurance to a buyer or lessee of an item (See Thompson, Page 2, Paragraph 0015; Page 8, Paragraph 0117).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Thompson within the system of Osborn with the motivation of providing an electronic warranty administration system that interfaces

between customers and sellers and/or manufacturers (See Thompson, Page 2,

Paragraph 0016).

As per claim 69, Osborn discloses the method comprising: calculating a premium

to be charged for each insurance policy issued to the lessor in the geographic region

(See Osborn Co1.1, lines 53-65); receiving an indication of a class of items for which

insurance is to be provided to a lessee of one of the class of items(See Osborn, Col.2,

lines 60-67 to Col.3, line 26); receiving an indication of a geographic region in which the

lessee must reside to receive the insurance (See Osborn, Co1.1, lines 53-65); the

premium being based on characteristics of the class of items, the expected

demographics of the lessee and the geographic region, without consideration of

individual characteristics of the lessee (See Osborn, Col. 1, lines 53-65).

Osborn does not explicitly disclose a computer-readable medium encoded with

processing instructions for implementing a method, performed by a computer, for

determining an insurance premium to be charged to a party providing insurance to a

lessee of an item.

However, this feature is known in the art, as evidenced by Thompson. In

particular, Thompson suggests a computer-readable medium encoded with processing

instructions for implementing a method, performed by a computer, for determining an

insurance premium to be charged to a party providing insurance to a lessee of an item

(See Thompson, Page 2, Paragraph 0015; Page 8, Paragraph 0117).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Thompson within the system of Osborn with the motivation of providing an electronic warranty administration system that interfaces between customers and sellers and/or manufacturers (See Thompson, Page 2, Paragraph 0016).

As per claim 76, Osborn discloses an apparatus wherein the vehicle is an automobile (See Osborn, Co1.1, lines 53-65); and the paid insurance policy is in accordance with at least the minimum requirements for an automobile set by a state within which the geographic region resides (See Osborn, Col.1, lines 53-67).

As per claim 77, Thompson discloses an apparatus wherein the paid insurance policy includes at least one of the group comprising collision coverage, uninsured motorist coverage and liability coverage (See Thompson, Page 6, Paragraph 0090).

Claims 75 and 80 recite the same limitations as claim 68 above, are therefore rejected under the same rationale and incorporated herein.

Claim 98 recites the same limitations as claim 18 above, are therefore rejected under the same rationale and incorporated herein.

6.   Claims 100-101 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Osborn et al (6,182,048) in view of Bates et al. (7,343,306).

As per claim 100, Osborn discloses a processor-implemented method for

providing an insurance policy relating to the sale or lease of an automobile, comprising:

receiving an identification of at least one make and model of an automobile from an

automobile seller (See Osborn, Co1.1, lines 53-65).

Osborn does not explicitly disclose receiving identifications of a plurality of

geographic regions from the automobile seller, the plurality of geographic regions being

selected based on a plurality of business factors including at least a regional sales rate,

and a regional car theft rate; calculating a plurality of regional flat rates corresponding to

the plurality of geographic regions for automobile liability insurance policies, without

considering age, sex, marital status, vehicle usage or driver history of any individual

automobile buyer, based on a plurality of rate calculation factors including at least

average premium information, a number of projected insurance policies that may be

issued, and a policy term; receiving an indication of a qualified sale of an automobile

corresponding to the at least one make and model to an automobile buyer; sale in

response to the indication of the qualified sale; and receiving payment of a regional flat

rate corresponding to the automobile liability insurance policy from the automobile

seller.

However, this feature is known in the art, as evidenced by Bates. In particular,

Bates suggests receiving identifications of a plurality of geographic regions from the

automobile seller, the plurality of geographic regions being selected based on a plurality

of business factors including at least a regional sales rate, and a regional car theft rate

(See Bates Col.1, lines 49-67); calculating a plurality of regional flat rates corresponding

to the plurality of geographic regions for automobile liability insurance policies, without

considering age, sex, marital status, vehicle usage or driver history of any individual

automobile buyer, based on a plurality of rate calculation factors including at least

average premium information, a number of projected insurance policies that may be

issued, and a policy term (See Bates, Col.10, lines 29-45); receiving an indication of a

qualified sale of an automobile corresponding to the at least one make and model to an

automobile buyer (See Bates, Col.2, lines 3-15); sale in response to the indication of the

qualified sale (See Bates, Col.10, lines 29-45); and receiving payment of a regional flat

rate corresponding to the automobile liability insurance policy from the automobile seller

(See Bates, Col.10, lines 29-45).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to have included the features of Bates within the system of Osborn with the

motivation of providing vehicle rental and insurance transactions represent two specific

applications that may find particular benefit. For example, where an economic

transaction is the rental of a vehicle, a rental company may be capable of charging

lower rates for customers who do not expose the vehicles to risks to which other

customers may expose the vehicles. Customers thus have an economic incentive to

reduce the risks associated with their usage of the vehicle and thereby decrease their

cost. Moreover, the incidence of wear and tear, accidents, crimes, etc. associated with

the rented vehicles may be reduced, thereby lowering operating costs for the rental

company, and possibly permitting the company to charge lower rates to its customers

(See Bates, Col.2, lines 50-56).

As per claim 101, Bates discloses the method wherein the automobile liability

insurance policy further includes automobile collision insurance (See Bates, Col.10,

lines 29-45).

Response to Arguments

7.   Applicant's argument filed on 5/26/09 with respect to claims 18-19, 27-29, 60-69

and 75-80, 98 and 100-101 have been considered but they are persuasive.

(A)   At pages 25-40 of the response filed on 5/26/09, Applicant argues the followings:

        (a) The 101 rejection should be withdrawn.

(B)   With respect to Applicant's first argument, it is respectfully submitted that

Applicant has a computer in the preamble of claims 29, 63, 69, 80 and 100. However,

the limitations in the preamble have not given patentable weight. Morever, as presently

understood, based on Supreme Court precedent, a proper process must be tied to

another statutory class or transform underlying subject matter to a different state or

thing (Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584,588

n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S.

780,787-88 (1876)). Since neither of these requirements is met by the claim, the

method is not considered a patent eligible process under 35 U.S.C. 101. To qualify as a

statutory process, the claim should positively recite the other statutory class to which it

is tied, for example by identifying the apparatus that accomplished the method steps or

positively reciting the subject matter that is being transformed, for example by

identifying the material that is being changed to a different state. Here, Applicant does

not adequately tie his/her steps to another statutory class to qualify as a 101 statutory

process. Applicant is required to add a computer or a processsor in the body of the

claims in order to satisfy the 101 statutory. As such, claims 29, 63, 69, 80 and 100 are

still remaining non- statutory and their dependencies as well. Therefore, Applicant's

argument is not persuasive and the rejection is hereby sustained.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. The cited but not the applied art teaches motor vehicle

monitoring system for determining a cost of insurance (5,797,134) and method and

apparatus for identifying uninsured motorists (2005/0203780).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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/Vanel Frenel/
Examiner, Art Unit 3687

August 16, 2009